

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,
ex rel. ARLEN SMITH, JERRY
HARRYMAN, and ROTISH SINGH,

No. 2:14-cv-01982-SU
ORDER

Plaintiff-Relators,

v.

ARLEN SMITH, JERRY HARRYMAN, and
ROTISH SINGH, on behalf of themselves and on
behalf of all other similarly situated,

Defendants.

v.

COLETTE S. PETERS, Director, Oregon
Department of Corrections; BRIAN BELLEQUE,
Interim Deputy Director, Oregon Department of
Corrections; MITCH MORROW, formerly Deputy
Director, Oregon Department of Corrections; MIKE
GOWERS, Assistant Director, Oregon Department of
Corrections; STEVEN FRANKE, Administrator,
Oregon Department of Corrections; KIM
BROCKAMP, Administrator, Oregon Department

of Corrections; KETTY RATHS, Administrator, Oregon Department of Corrections; ANITA NELSON, Administrator and Manager of Commissary Operations, Oregon Department of Corrections; and JOHN DOES numbers one through ten,

Defendants (under False Claims Act and RICO claims)

and

STATE OF OREGON and OREGON
DEPARTMENT OF CORRECTIONS

Defendants (under RICO and
State-law claims)

Defendants.

HERNÁNDEZ, District Judge:

Magistrate Judge Patricia Sullivan issued a Findings & Recommendation [75] on May 3, 2018, recommending that Defendants' Motion to Dismiss Second Amended Complaint [59] be granted in part and denied in part. Plaintiffs have timely filed objections [84] to the Findings & Recommendation. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When a party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

The Court carefully considered Plaintiffs' objections and concludes there is no basis to modify the Findings & Recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no errors in the Magistrate Judge's Findings & Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Sullivan's Findings & Recommendation [75], and therefore, Defendants' Motion to Dismiss Second Amended Complaint [59] is granted in part and denied in part consistent with Magistrate Judge Sullivan's recommendations.

IT IS SO ORDERED.

DATED this 14 day of September, 2018.


MARCO A. HERNÁNDEZ
United States District Judge